

Applicant Initiated Interview Request Form

Application No.: 09/918,132 First Named Applicant: William Joseph Piazza
Examiner: Qamrun Nahar Art Unit: 2191 Status of Application: Final

Tentative Participants:

(1) Jim Boice (2) Qamrun Nahar
(3) Wei Y. Zhen (4) _____

Proposed Date of Interview: TBD Proposed Time: TBD (AM/PM)

Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>1</u>	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) <u>35</u>	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) <u>53</u>	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) <u>54</u>	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
[] Continuation Sheet Attached					

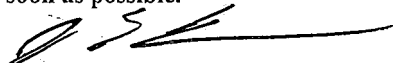
Brief Description of Arguments to be Presented:

See attached proposed agenda.

An interview was conducted on the above-identified application on _____.

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.



Applicant/Applicant's Representative Signature

James E. Boice

Typed/Printed Name of Applicant or Representative

44,545

Registration Number, if applicable

Examiner/SPE Signature

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PROPOSED TELECONFERENCE AGENDA

FROM JIM BOICE (512.617.5533)

09/918,132

AFTER-FINAL

Claim 1.

Can we discuss the feature of “in response to determining that said firmware family codes are different, considering said two firmware images to be incompatible unless a compatibility table entry indicates otherwise”? The cited art does not appear to teach an overriding “compatibility table entry” that indicates that two firmware images are compatible, despite being from different families.

Furtney teaches the use of compatibility tables for software modules. However, In col 4, lines 8-15, different versions of software are considered compatible if the new version is at a higher level. Specifically, *Furtney* states at col. 4:

In the preferred embodiment, it is assumed that a software module at any arbitrary level will include the capabilities and functions of each lower level of that same module that are required for compatibility with other modules. Thus, for purposes of compatibility, a higher level of a module being verified will always satisfy minimum requirements for compatibility with the verifying module if any lower level of the module being verified satisfies such compatibility requirements. (Emphasis added.)

Thus, there is a presumption in *Furtney* that two differently named modules ARE compatible (assuming that the new version has a higher level), even though they have different names. There is no presumption (“in response to...considering”) that the two versions are incompatible.

Claim 54 (dependent on Claim 1)

Can we discuss the feature of “wherein said method for identifying compatibility between two firmware images is performed in response to an electronic device having undergone a design upgrade that incorporates new components”? That is, firmware image compatibility checking is performed whenever a system upgrade of hardware is performed. *Kathail* teaches at col. 25, lines 15-16 that a new set of drivers can be introduced for devices, and new drivers can be introduced later (col. 25, lines 20-21). However, there does not appear to be a suggestion that compatibility between firmware images (not firmware (driver) and device) occur “in response to” new hardware being added.

Claim 35

Can we discuss the feature of “in response to determining that said installed firmware does not have a firmware family control block that includes a firmware family code, firmware stepping level and compatibility table for said installed firmware, causing a flash utility to refuse to install said candidate firmware”? The cited art does not appear to support this feature of making installation of new firmware dependent upon the old firmware having a firmware family control block that specifically includes these three elements (firmware family code, stepping level and compatibility table). *Kathail* is cited at col. 24, lines 39-42 for this teaching. However, this passage only teaches that an error message should be sent if a compatible driver cannot be found for a specific device, and doesn’t appear to suggest the claimed limitations.

Claim 53 (dependent on Claim 35)

Can we discuss the feature of “in response to determining that said candidate firmware is desired to replace said installed firmware that does not have said firmware family control block, issuing an override command from said flash utility to override said refuse to install command, wherein said candidate firmware flashes over said installed firmware despite said installed firmware lacking said firmware family control block”? That is, even if the flash utility has refused to install the new firmware, an override command can be issued forcing the flash utility to install the new firmware anyway.

Kathail is cited at col. 24, line 55 to col. 25, line 25 for teaching this feature. However, this passage appears to be related to matching drivers to devices as soon as the driver is accessible on either a hard drive or a boot ROM. I am unable to interpret this section as teaching that a flash utility is forced to install new firmware despite its initial refusal to do so (because the firmware didn’t have a firmware family block that includes a firmware family code, firmware stepping level and compatibility table).